

EXHIBIT 2-C

Statutory Checklist

Checklist of Applicable Statutes and Regulations

Project Local Government and Contract Number: _____

Are all activities of this project exempt from NEPA procedures? Yes____ No____
(If yes, this Statutory Checklist **need not be filled out.**)

Are activities of this project categorically excluded from NEPA procedures? Yes____ No____
(If yes, this Statutory Checklist and all required actions **must be completed.**)

Precise citations for the applicable statutes and regulations in the 13 areas below are printed on pages 2-C.2 and following. See Pages 2-19 and following of Chapter 2 for additional explanation of the Statutory Checklist.

Area Of Statutory-Regulatory Compliance <i>Column Codes are explained on page 2-C-2.</i>								(*) = Attach evidence that required actions have been taken.
	NA	CR	RR (*)	PR (*)	DOC/ APO	CMA R(*)		
								Note Compliance Documentation
1. Historic Properties								
2. Floodplain Management								
3. Wetlands Protection								
4. Noise								
5. Air Quality								
6. Man-made Hazards								
Lead-based Paint								
Asbestos								
Thermal/Explosive Hazards								
Airport Clear Zones								
7. Water Quality								
Surface Water/Water Quality								
Groundwater & Aquifers ¹								
8. Solid Waste Disposal								
9. Farmlands Protection								
10. Wild & Scenic Rivers								
11. Endangered Species, Fish & Wildlife								
12. Environmental Justice (E.O. 12898)								
13. State or Local Statutes								

¹Including the Missoula Sole Source Aquifer; contact DOC for further information regarding Missoula area projects.

First-time Home Buyer Projects will need to complete the site specific environmental review checklist found on pages 6 and 7 of this Exhibit prior to providing funding to assist in each home purchase.

Codes used in the columns in the Statutory Checklist on page 2-C-1:

NA: Not applicable to this project.

CR: Consultation required.

RR (*): Review required.

PR: Permits required.

DOC/APO: Determination of consistency. Approvals, permits obtained.

CMAR (*): Conditions and/or mitigation actions required.

(*)Attach evidence that required actions have been taken.

~~~~~  
**INDEX OF APPLICABLE FEDERAL STATUTES AND REGULATIONS INCLUDED IN THE  
HUD STATUTORY CHECKLIST AND COMPLIANCE CERTIFICATION**

**1. Historic Properties**

- a. National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 et seq.) particularly sections 106 and 100 (216 U.S.C. 470 and 470h-2).
- b. Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921), 3 CFR 1971-1975 Comp.
- c. Federal historic preservation regulations:
  - (1) 36 CFR part 800 with respect to HUD programs other than Urban Development Action Grants (UDAG; and
  - (2) 36 CFR part 801 with respect to UDAG
- d. The Reservoir Salvage Act of 1960 as amended by the Archeological and Historic Preservation Act of 1974 (16 U.S.C. et seq.)

**2. Floodplain**

- a. Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951), 3 CFR, 1977 Comp, as interpreted in HUD regulations at (24 CFR Part 55.
- b. Executive Order 11990 Protection of Wetlands, May 24, 1977 (42 FR 26961), 3 CFR, 1977 Comp., and Applicable State Legislation or Regulations.

**3. Coastal Zone Management**

The Coastal Zone Management Act of 1972

**4. Noise**

HUD Regulations 24 CFR Part 51, Subpart B, (7/12/79).

**5. Air Quality**

Clean Air Act of 1970 as Amended (42 U.S.C. 7401-7642), EPA Regulation 40 CFR Part 50, and Partially 40 CFR Part 51, 52, 61.

**6. Man-made Hazards**

- a. HUD Regulation 24 CFR Part 51, Subpart C, (2/10/84) Hazardous Facilities.
- b. Also 24 CFR Part 51, Subpart D, (1/6/84) Airport Runway Clear Zones.

**7. Water Quality**

- a. Federal Water Pollution Control Act, as Amended (33 U.S.C. 1251-1376).
- b. Safe Drinking Water Act of 1974 (42 U.S.C. 300f-300j-10), as Amended.
- c. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 100-149.
- d. Missoula, Montana Sole Source Aquifer, in accordance with Section 1424 (e) of the Safe Drinking Water Act, 42 U.S.C.A. Section 300h-3 (1982).

**8. Solid Waste Disposal**

- a. Solid Waste Disposal Act as Amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901-6987).
- b. U.S. Environmental Protection Agency (EPA) Implementing Regulations 40 CFR Parts 240-265.

**9. Farmlands**

- a. Farmland Protection Policy Act of 1981 (U.S.C. 4201 et. seq).
- b. U.S. Department of Agriculture implementing regulations (7 CFR Part 658).

**10. Wild and Scenic Rivers Act of 1968**

16 U.S.C. 1271 et. seq., as amended: particularly sections 7(b) and 7(c), and 16 U.S.C. 1278 (b) and (c).

**Note:** In Montana, this act applies to the North Fork of the Flathead River from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir; and, the Missouri River consisting of the segment from Fort Benton, one hundred and forty-nine miles downstream to Fred Robinson Bridge.

**11. Endangered Species, Fish and Wildlife**

- a. Endangered Species Act of 1973 as Amended (**16 U.S.C. 1531-1543**).
- b. Fish and Wildlife Coordination Act (16 U.S.C. 661-666c).

**12. Environmental Justice**

Executive Order 12898 -- Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994 (59 FR 7629), 3 CFR, 1994 Comp. P. 859. (24 CFR Part 58.5, April 30, 1996)

**13. Lead-based Paint**

HUD Lead-based Paint Standards (24 CFR Part 35) and Sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act that appear within Title X of the Housing and Community Development Act of 1992.

**14. Asbestos**

OSHA's asbestos standard (29 CFR 1926.1101) and EPA asbestos sections of NESHAP (National Emission Standard for Hazardous Air Pollutants), administered by Montana Department of Environmental Quality's Asbestos Control Program

---

**CERTIFICATION**

I certify that the findings on the preceding Community Development Block Grant Statutory Checklist accurately reflect the status of compliance with applicable laws and regulations for the proposed CDBG project.

---

Type Name and Title of  
Environmental Certifying Officer

---

Signature

---

Date

## ENVIRONMENTAL SITE-SPECIFIC CHECKLIST FOR HOMEBUYER PROJECTS

CDBG CONTRACT # \_\_\_\_\_ CITY/COUNTY OF \_\_\_\_\_, MONTANA

FTHB Address: \_\_\_\_\_

The Montana CDBG Program is subject to the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA). Together these laws and associated regulations require that CDBG grant recipients must evaluate any possible effects a project could have on the environment and consider mitigating actions where adverse effect could be present.

1. Floodplain

Is the project area within or adjacent to an identified 100-year floodplain, similar Flood-prone area, or area of storm water drainage discharge?

NO \_\_\_\_\_ YES \_\_\_\_\_ Based on FEMA Map # \_\_\_\_\_

2. Airport Clear Zones

Is the proposed project located within the crash zone (2500 feet) of an airport?

NO \_\_\_\_\_ YES \_\_\_\_\_

---

Signature of Environmental Certifying Officer or Chief Elected Official

-----  
*(For City/County use below)*

3. Lead-Based Paint Inspection

Homes built prior to 1978 must be inspected for Lead-Based Paint:

**LBP FOUND:** NO \_\_\_\_\_ YES \_\_\_\_\_ NA \_\_\_\_\_

---

Signature of Lead-Based Paint Visual Inspector

Dated: \_\_\_\_\_

## SITE-SPECIFIC CHECKLIST FOR PROPERTY

**PROPERTY ADDRESS:**

\_\_\_\_\_

**LEGAL OWNER:**

\_\_\_\_\_

**Legal Description of Property:**

\_\_\_\_\_

\_\_\_\_\_

**County Assessor's Identification No:** \_\_\_\_\_

**Date of Construction:** \_\_\_\_\_

**Square Footage of Home:** \_\_\_\_\_

**Square Footage of Garage:** \_\_\_\_\_

**Lot Size and/or Square Footage of Land:** \_\_\_\_\_

**Assessed Value of Property:** \_\_\_\_\_

**I hereby certify that the above information has been verified from records located at the**  
\_\_\_\_\_ **County Court House:**

\_\_\_\_\_  
**Signed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_